

The Georgia State Board of Pharmacy met on December 10, 2003 at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, GA.

**Members Present:**

- John Sherrer, President
- Mickey Tatum, Vice President
- Fred Barber
- Roger Lane
- Jeff Lurey
- Eddie Madden
- Charles Palmer
- Bill Prather

**Staff Present:**

- Bill Atkins, Director, Georgia Drugs and Narcotics Agency
- Rick Allen, Dep. Dir., Georgia Drugs and Narcotics Agency
- Janet B. Wray, Board Attorney
- Sylvia L. Bond, Executive Director, Georgia Board of Pharmacy
- Ylice Crews, Administrative Assistant/Board Secretary

**Visitors Present:**

- Steven Dunn, Attorney
- Tim Sweeney, Attorney
- Carol Wiyer, Advocate
- Tom Miller, Advocate
- Ben Davis, Sponsor
- Steve Georgeson, National Association of Chain Drugstores
- David Leitch, Kroger
- Chuck Page, Kroger
- Tom Prose, Kroger
- Frank Simpson, Kroger
- Gary Cacciatore, Cardinal Health
- Mike Riddle, Cardinal Health

Mr. Sherrer established that a quorum was present, and called the meeting to order at 10:07 a.m.

Mr. Palmer moved, Mr. Tatem seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §§43-1-19(h)(2) and 43-1-2(k) to review applications, deliberate on disciplinary matters, and to receive information on investigative reports. Voting in favor of the motion were those present who included Board Members Mr. Barber, Mr. Lane, Mr. Lurey, Mr. Madden, and Mr. Prather.

At the conclusion of EXECUTIVE SESSION the Board returned to **Open Session** to vote on the matters discussed in Executive Session and to conduct other Board business.

**APPOINTMENT (S)**

- The Board met with **Thomas Barrett** and his advocate and sponsor to discuss possible reinstatement.
- The Board met with **Bryan McClellan** to discuss possible reinstatement.

- The Board was to meet with **S.S.** and his attorney to discuss possible reinstatement.
- The Board met with **David Leitch, Kroger** and other representatives from Kroger to discuss central fill issues.
- The Board met with **Gary Cacciatore and Mike Riddle, Cardinal Health** to discuss off-site order entry of hospital medication orders.

**Bill Atkins, Director, Georgia Drugs & Narcotics Agency:**

- He attended the GPHA Legislative Conference last month and has since submitted the new Drug Update Listing for legislative approval.
- Presently his office is working on a prescription monitoring program.
- Asked the Board to consider ways that the complaint process could be expedited.

**Janet B. Wray, Attorney General's Office:**

- Mrs. Wray presented two public consent orders for acceptance - Floriebelle Simmons and CVS Pharmacy #2175.
- Cases against T.P., ED-#3503, R.H. and TMS were dismissed.
- A status report on current cases was reviewed.
- An Advice Request was presented on EBX Waiver Request. Board advised Mrs. Wray to write letter stating that the statutes could not be changed (26-4-110; 26-4-5(28), and 26-4-110.1 (h)(i)(j)).

**Mickey Tatum, Cognizant Board member reported on the following cases:**

- R.H.; YW-#9120, #A02-69, #B26606, #A03-75, #03-73, #B26806, #B26808, #B26819, #B26813, #B26814, #B26872, #B26851, #B26854, #B26856, #B26867, #B26868, and #B26869

**Applications:**

- Applications submitted for possible approval on **D.I.H., D.D.H. and M.W.S.**

**Thomas Barrett, RPh:** Mr. Barber made a motion to **approve** Mr. Barrett's request for reinstatement of his pharmacist license as long as he continues to work as a Nuclear Pharmacist. Mr. Barrett would be required to petition the Board to work elsewhere. The motion was seconded by Mr. Tatum and was approved by the Board.

**Bryan McClellan, RPh:** Mr. McClellan **withdrew** his application and requested possible reconsideration of this application at a later time.

**S.S., RPh:** The Board referred applicant to Policy 3(A) concerning reinstatement of his license. It was also recommended that he settle any disciplinary issues with state of Florida before trying to obtain licensure in Georgia.

**David Leitch, Kroger Central Fill System:** The Board viewed Mr. Leitch's presentation regarding Kroger's central fill system. At this time, the Board has requested that (1) Rick Allen, GDNA, contact the Ohio Board concerning how they licensed/regulate this type of system, (2) instructed the Board Secretary to write a thank you letter to David Leitch detailing our plans to review the proposal further and (3) requested that Janet Wray, Board Attorney and Sandy Bond, Executive Director co-write a letter to Mr. Leitch expressing the Board's concerns.

**Gary Cacciatore, Cardinal Health System:** The Board viewed Mr. Cacciatore's presentation regarding off-site order entry of hospital medication orders as informational.

The following votes were made in reference to the **Cognizant Member's** report:

**J.H., RPh:** The cognizant member recommended **reinstatement of license**. Mr. Prather made a motion to approve the recommendation. The motion was seconded by Mr. Lane and was approved by the Board.

**Y.K., #9120:** The cognizant member recommended **denying renewal of Intern Permit**. Mr. Lane made a motion to approve the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**#A02-69:** The cognizant member recommended **issuing a consent order** requiring the following: (1) Perpetual C-2 Inventory; (2) Completion of a Schedule III, IV and V inventory twice a year; (3) \$500 fine and (4) five years probation. Mr. Palmer made a motion to approve the recommendation. The motion was seconded by Mr. Prather and was approved by the Board.

**#B26606:** The cognizant member recommended **rescinding previous motion for a consent order and closing the case with a GDNA letter of concern** to the pharmacist. Mr. Madden made a motion to accept the recommendation. The motion was seconded by Mr. Lurey and was approved by the Board.

**#A03-75:** The cognizant member recommended to **accept the private interim consent order upon receipt** signed by the pharmacist. Mr. Madden made a motion to approve the recommendation. The motion was seconded by Mr. Prather and was approved by the Board.

**#03-73:** The cognizant member recommended **scheduling an investigative interview** with the pharmacist. Mr. Lurey made a motion to accept the recommendation. The motion was seconded by Mr. Madden and was approved by the Board.

**#B26806:** The cognizant member recommended that a **\$500 fine be imposed for the pharmacist** and a **\$500.00 fine to the pharmacy involved** with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain **15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling**. Mr. Madden made a motion to accept the recommendation. The motion was seconded by Mr. Barber and was approved by the Board.

**#B26808:** The cognizant member recommended **closing the case with no violations**. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Lane and was approved by the Board.

**#B26819:** The cognizant member recommended **closing the case with no violations**. Mr. Lane made a motion to approve the recommendation. The motion was seconded by Mr. Palmer and was approved by the Board.

**#B26813:** The cognizant member recommended that a **\$500 fine be imposed for the pharmacist** and a **\$500.00 fine to the pharmacy involved** with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain **15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling**. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Madden and was approved by the Board.

**#B26814:** The cognizant member recommended **closing the case with no violations**. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Prather and was approved by the Board.

**#B26872:** The cognizant member recommended **closing the case with no violations**. Mr. Barber made a motion to approve the recommendation. The motion was seconded by Mr. Lane and was approved by the Board.

**#026851:** The cognizant member recommended **closing the case with no violations**. Mr. Prather made a motion to approve the recommendation. The motion was seconded by Mr. Madden and was approved by the Board.

**#026854:** The cognizant member recommended **an investigative interview** with the pharmacist. Mr. Lane made a motion to approve the recommendation. The motion was seconded by Mr. Madden and was approved by the Board.

**#B26856:** The cognizant member recommended that a **\$500 fine be imposed for the pharmacist** and a **\$500.00 fine to the pharmacy involved** with a public consent order for failure to offer patient counseling which resulted in a prescription miss-fill. The pharmacist must obtain **15 hours of additional continuing education of which 5 hours must be contact hours to include pharmacy law and patient counseling**. Mr. Lane made a motion to accept the recommendation. The motion was seconded by Mr. Barber and was approved by the Board.

**#B26867:** The cognizant member recommended **closing the case with no violations**. Mr. Lurey made a motion to approve the recommendation. The motion was seconded by Mr. Palmer and was approved by the Board.

**#B26868:** The cognizant member recommended **closing the case with no violations**. Mr. Madden made a motion to approve the recommendation. The motion was seconded by Mr. Barber and was approved by the Board.

**#026869:** The cognizant member recommended **closing the case with no violations**. Mr. Prather made a motion to approve the recommendation. The motion was seconded by Mr. Lane and was approved by the Board.

The following votes were made in reference to **Mrs. Wray's** report:

- **Floriebelle Simmons, RPh:** Mr. Lane made a motion to **accept** the public consent order signed by Ms. Simmons. The motion was seconded by Mr. Lurey and was approved by the Board.
- **CVS Pharmacy, 32175:** Mr. Lane made a motion to **accept** the public consent order for the retail pharmacy. The motion was seconded by Mr. Lurey and was approved by the Board.
- **T.P. and ED, #3503:** Mr. Lurey made a motion to **dismiss** the case. The motion was seconded by Mr. Prather and was approved by the Board.
- **R.H. and TMS:** Mr. Lurey made a motion to **dismiss** the case. The motion was seconded by Mr. Lane and was approved by the Board.

The Board made the following votes regarding the submitted applications:

- **D.I.H.:** Mr. Lurey made a motion to **approve** the applicant's request for licensure as a research pharmacist. The motion was seconded by Mr. Prather and was approved by the Board.
- **D.D.H.:** Mr. Lurey made a motion to **approve** the applicant's request for licensure by reciprocity. The motion was seconded by Mr. Prather and was approved by the Board.
- **M.W.S.:** Mr. Lurey made a motion to **approve** the applicant's request for licensure by reciprocity. The motion was seconded by Mr. Prather and was approved by the Board.
- **C.E.:** Mr. Lurey made a motion to **deny** the applicant's request for reinstatement. The motion was seconded by Mr. Lane and was approved by the Board.

**Letter by Craig R. Sherman, M.D., Hope Pharmaceuticals:** This item was viewed as informational by the Board.

**Letter by Michael C. Melvin, RPh:** Mr. Lane made a motion to **approve** Mr. Melvin's request to meet with the Board at the next available meeting to discuss possible reinstatement. The motion was seconded by Mr. Tatum and was approved by the Board.

**Letter by Steven Garitta, U.S. Consumer Product Safety Division:** This item was viewed as informational by the Board.

**Letter by Mark A. Hicks:** This item was viewed as informational by the Board.

**Letter by Marie L. Jackson, RPh:** Mr. Lurey made a motion to **approve** Ms. Jackson's request to lift the "supervised practice" restriction from her pharmacist license. The motion was seconded by Mr. Palmer and was approved by the Board.

**Letter by Samir Patel,:** This item was viewed as informational by the Board.

**Letter by Samuel E. Kilgore, RPh:** Mr. Lane made a motion to **approve** Mr. Kilgore's request to meet with the Board at the next available meeting to discuss possible reinstatement. The motion was seconded by Mr. Tatum and was approved by the Board.

**Letter by Martin A. Dotson, RPh:** Mr. Prather made a motion to **approve** Mr. Dotson's request to meet with the Board at the next available meeting to discuss possible reinstatement. The motion was seconded by Mr. Madden and was approved by the Board.

**Letter by Robert M. Eisenman:** Mr. Lane made a motion to **approve** Mr. Eisenman's request to lift the "supervised practice" restriction from his pharmacist license. The motion was seconded by Mr. Palmer and was approved by the Board.

**Letter by Henry L. Carter, RPh:** Mr. Lurey made a motion to **approve** Mr. Carter's request to meet with the Board to discuss possible reinstatement. The motion was seconded by Mr. Tatum and was approved by the Board.

**Letter by Thomas D. Cowan:** Mr. Lane made a motion to **approve** Mr. Cowan's request to lift the "supervised practice" restriction from his pharmacist license. The motion was seconded by Mr. Prather and was approved by the Board.

**Letter by Kevin T. Jones, RPh:** Mr. Madden made a motion to **approve** Mr. Jones' request to terminate his probation since all conditions of the consent order have been met. The motion was seconded by Mr. Prather and was approved by the Board.

**Adeyanju Makinde, RPh:** Mr. Lane made a motion to **suspend** Adeyanju K. Makinde's pharmacist license to practice as a pharmacist, RPH019095, for failure to repay a student loan, and that this suspension will cease upon receipt by the Joint Secretary of a "Notice of Release" from the Georgia Higher Education Assistance Corporation. The motion was seconded by Mr. Lurey and was approved by the Board.

**Letter by Ben Underwood and G. Douglas Talbott, M.D., Talbott Recovery Campus:** This item was viewed as informational by the Board.

**E-Mail from Kay Johnson, Apothecary Products, Inc.** The Board recommended that the company use Class I Electronic Balances.

**Newly Licensed Pharmacists/Pharmacy Interns:** Mr. Tatum made a motion to **ratify** all newly licensed pharmacists/pharmacy interns. The motion was seconded by Mr. Prather and was approved by the Board. (Attachment 1)

**Letter from Arthur W. Strickland, RPh, McKinney Community Health Center:** The Board tabled this until after GDNA completes their inspection.

**Kent Coleman, RPh:** Mr. Madden made a motion to **approve** the reinstatement application of Mr. Coleman. The motion was seconded by Mr. Prather and approved by the Board.

**Letter from Steve Thurmond, Rabun Youth, Inc.:** This item was viewed as informational by the Board.

**Draft; November Minutes:** Mr. Lurey made a motion to **approve** the November minutes as presented. The motion was seconded by Mr. Madden and was approved by the Board.

**Kent Logan, RPh:** Mr. Tatum made a motion to **approve** the reinstatement application of Mr. Logan contingent upon the signing of a consent order by Mr. Logan. The motion was seconded by Mr. Prather and was approved by the Board.

**Annual Elections:**

- Mr. Madden made a motion to **approve** Mickey Tatum, RPh, as President of the Pharmacy Board. The motion was seconded by Mr. Prather and was approved by the Board.
- Mr. Lane made a motion to **approve** Eddie Madden, RPh, as Vice-President of the Pharmacy Board. The motion was seconded by Mr. Prather and was approved by the Board.

**Jeff Lurey:**

- Presented a legislative update.

There being no further business to be discussed, the meeting was adjourned at 3:15 p.m.

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**John Sherrer, President**

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**Mollie L. Fleeman, Division Director  
Professional Licensing Boards Division**

**Minutes Prepared By: Ylice Crews, Administrative Assistant/Board Secretary  
Reviewed/Edited By: Sylvia L. Bond, Executive Director**